



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-8
AGENDA DATE: Thu 09/30/2004
PAGE: 1 of 1

SUBJECT: C14-04-0058 - Sahara Club Extension - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 900 East Braker Lane (Walnut Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To deny commercial-liquor sales (CS-1) district zoning. Applicant: Walnut Ridge Shopping Center (Thomas C. Calhoon). Agent: Turnkey Properties (Victorious B. Giraud). City Staff: Sherri Gager, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0058

ZAP DATE: May 18, 2004
June 1, 2004
June 7, 2004
July 20, 2004

ADDRESS: 900 East Braker Lane

OWNER/APPLICANT: Walnut Ridge Shopping Center (Thomas C. Calhoun)

AGENT: Turnkey Properties (Victorious B. Giraud)

ZONING FROM: GR **TO:** CS-1 **AREA:** 0.103 acres (5,683 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

Staff recommends denial of the CS-1 rezoning request.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

5/18/04: The Commission continued the case the June 1, 2004 (8-0); K. Jackson-1st, J. Martinez-2nd.
*The public hearing was reopened for this case.

6/1/04: Approved the staff's recommendation to deny the request for CS-1 zoning (8-0, J. Pinnelli – absent); K. Jackson-1st, J. Martinez-2nd.

6/7/04: Motion made to rescind, reconsider the June 1, 2004, motion (6-2, B. Baker, C. Hammond-Nay, J. Pinnelli-absent); J. Martinez-1st, M. Whaley-2nd.

Motion made to continue case to July 20, 2004 (6-2, B. Baker, C. Hammond-Nay; J. Pinnelli-absent); J. Martinez-1st, J. Gohil-2nd.

7/20/04: Approved staff recommendation to deny CS-1 zoning (5-3, J. Gohil, J. Martinez, K. Jackson-Nay; J. Pinnelli-absent); B. Baker-1st, M. Whaley-2nd.

ISSUES:

The staff received a letter from the applicant on August 13, 2004, requesting a postponement of the case at City Council to the September 30, 2004 (Postponement Letter- Attachment I). The applicant would like to meet with the neighborhood on Saturday, September 18, 2004 to discuss his proposal.

On May 18, 2004, the Zoning & Platting Commission asked the staff to research the amount of parking spaces that would be required if the Sahara Club was expanded by the proposed 0.103 acres (5,683 sq. ft.). The staff has determined that the applicant would now need 140 parking spaces. The applicant is required to have 1 space for every 50 square feet of building area (based on LDC requirements for a 2500-10000 sq. ft cocktail lounge use). With the current parking spaces available on the site (269 spaces overall for the entire shopping center), the applicant would be 44 parking spaces short and could not meet this requirement. It may be possible for the applicant to conduct a shared parking analysis to attempt to meet the additional 140 required parking spaces for the proposed expansion of the Sahara Club. If the CS-1 zoning is granted for this site, the applicant would be

required to address this parking issue during the Conditional Use Permit process for the new/additional 0.0103 acres of cocktail lounge use.

A notice of violation for this site was sent to the owner of the Walnut Ridge Shopping Center, Thomas C. Calhoun, on April 27, 2004, because the Sahara nightclub has expanded into an old restaurant area (vacant suite) to the east without obtaining permits, a rezoning, a new Conditional Use Permit, and a certificate of occupancy from the City. The Sahara Club cocktail lounge is not operating according to their existing CUP (SPC-02-0013A) because they have removed a wall separating the business from the vacant restaurant space, which does not have the appropriate zoning to allow for alcohol sales.

DEPARTMENT COMMENTS:

The property in question is a suite located within a retail shopping center fronting Braker Lane. The applicant is requesting CS-1 zoning for this site to expand an existing cocktail lounge/bar use to the east.

Last year the owner of the bar, Judson Green, was granted a CUP for a 1,300 sq. ft. cocktail lounge in a CS-1 zoned space within the retail shopping center (Case SPC-02-0013A-Attachment A). The owner then decided to expand the cocktail lounge business into an old restaurant area, formerly known as the Tropical Heat Cafe. He applied for building permits for this "renovation" but was denied because the old restaurant area is zoned GR, which does not permit a cocktail lounge use. Since that time, Mr. Green has knocked down the wall between the bar and the vacated restaurant without permits from the City and expanded his facility. Mr. Green applied to the TABC for a mixed beverage/late night hours permit for this site and was denied because of inappropriate zoning. The city has informed the Mr. Green that he will need to rezone the property in question and obtain a Conditional Use Permit for this site to come into compliance with City of Austin Code requirements.

The staff is recommending denial of the applicant's request for CS-1 zoning because the site does not meet the purpose statement for the CS-1, Commercial-Liquor Sales District. The rezoning of this site will also contribute to the over zoning of the area. There are two other CS-1 zoned properties to the west of the existing Sahara Club within the Walnut Ridge Shopping Center. One is being utilized for a liquor store and the other (larger site) is currently used as a discount retail store.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Cocktail Lounge/Bar
<i>North</i>	MF-2	Apartments
<i>South</i>	GR	Restaurant
<i>East</i>	GR	Bingo hall
<i>West</i>	CS-1, GR, CS-1, CS-1-CO	Cocktail Lounge/Bar, Dry Cleaners, Nail Salon, Liquor Store, Discount Retail Store

AREA STUDY: N/A

TIA: Not Required

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Northeast Walnut Creek Neighborhood Association
 River Oaks Lakes Estates Neighborhood
 North Growth Corridor Alliance
 Austin Neighborhoods Council
 NorthEast Action Group
 Taking Action Inc.

SCHOOLS:

Graham Elementary (approximately 1500 feet to southeast)
 Pflugerville #4 Middle School
 Dobie Middle School
 Lanier High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0130	CS-1 to GR	9/10/02: Approved staff's recommendation of GR zoning by consent (6-0, D. Castaneda-absent)	10/10/02: The Council had many questions about this case because the neighborhood spoke out both for and against the rezoning. The neighborhood felt the rezoning request did not cover the entire tract subject to the prior restrictive covenant (from case C14-95-0034) and stated their opposition to the pending conditional use permit for a new cocktail lounge. Sarah Crocker raised the issue regarding DAC'S approval of a site plan exemption for a cocktail lounge use and Alice Glasco explained how this error occurred. (7-0); all 3 readings
C14-02-0033	CS, GR to CS-1	4/16/02: Approved staff rec. to deny CS-1 (5-0)	5/23/02: Denied CS-1 (7-0)
C14-95-0054 "Expired"	GR to CS-1	5/23/95: Denied CS-1 as requested (6-0)	6/22/95: Motion to deny failed (2-2-1, EM/RR-no, GG-abstain), no action taken
C14-95-0034	TRA: CS to CS-1 TRB: CS to CS-1	5/9/95: Denied CS-1 (6-0)	6/1/95: Approved CS-1 w/ conditions: To approve CS-1, with a restrictive covenant that provides for rollback to GR, if cocktail use does not open within 1 year of zoning case or ceases for more than 90 days. (4-1-2, BS-no, JG/BT-abstain); 1 st reading

			BS-no, JG/BT-abstain); 2 nd reading 8/24/95: Approved CS-1 (5-1, JG-Nay); 3 rd reading
C14-88-0110	GR to CS-1	9/27/88: Grant CS-1 w/ conditional overlay	10/27/88: Approved CS-1 w/conditions; all 3 readings

RELATED CASES: See "Background" information

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Braker Lane	100'	60'	Arterial

CITY COUNCIL DATE: August 26, 2004

ACTION: Postponed by Applicant to 9/30/04 (7-0)

September 30, 2004

ACTION:

ORDINANCE READINGS: 1st

2nd

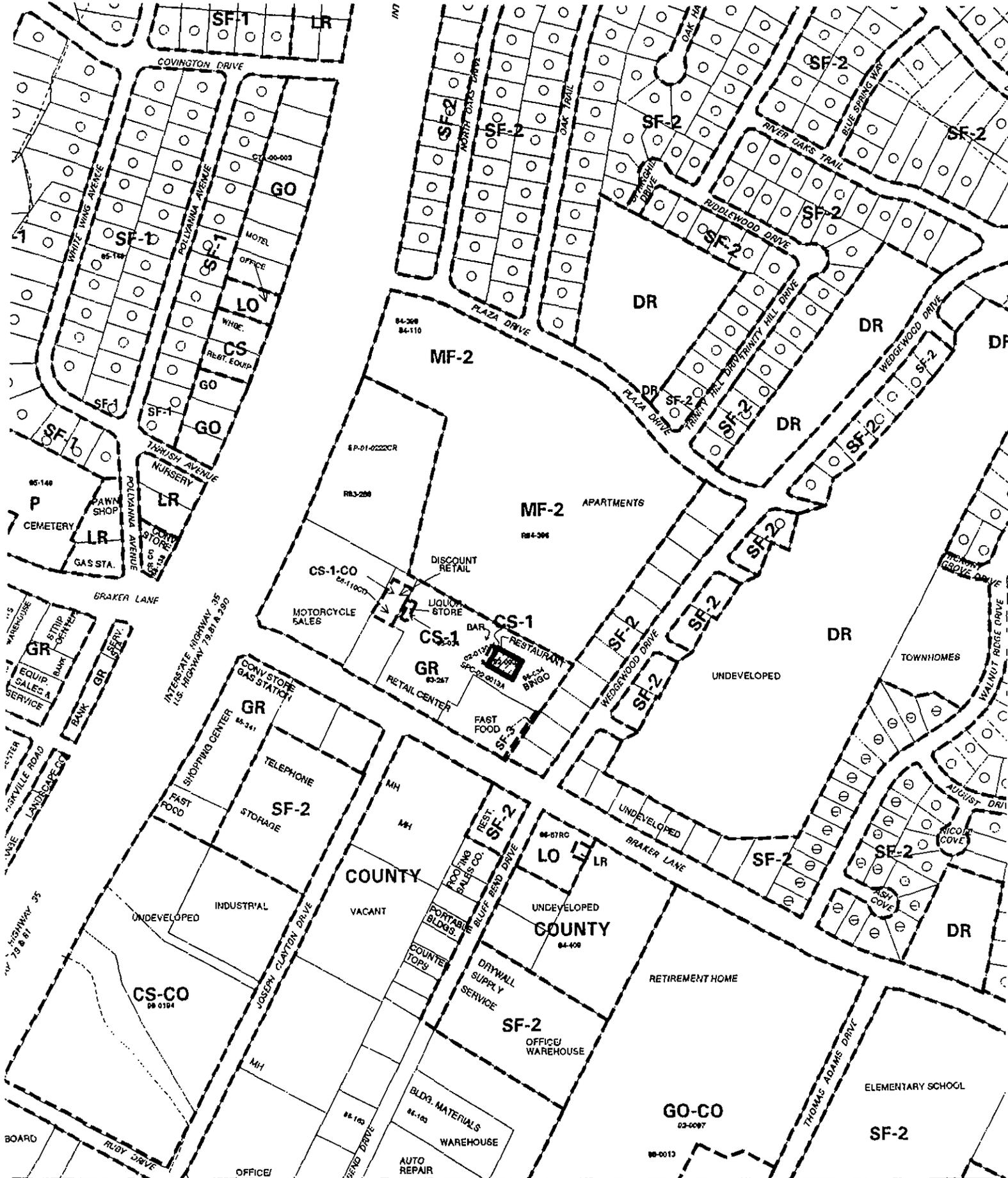
3rd

ORDINANCE NUMBER:

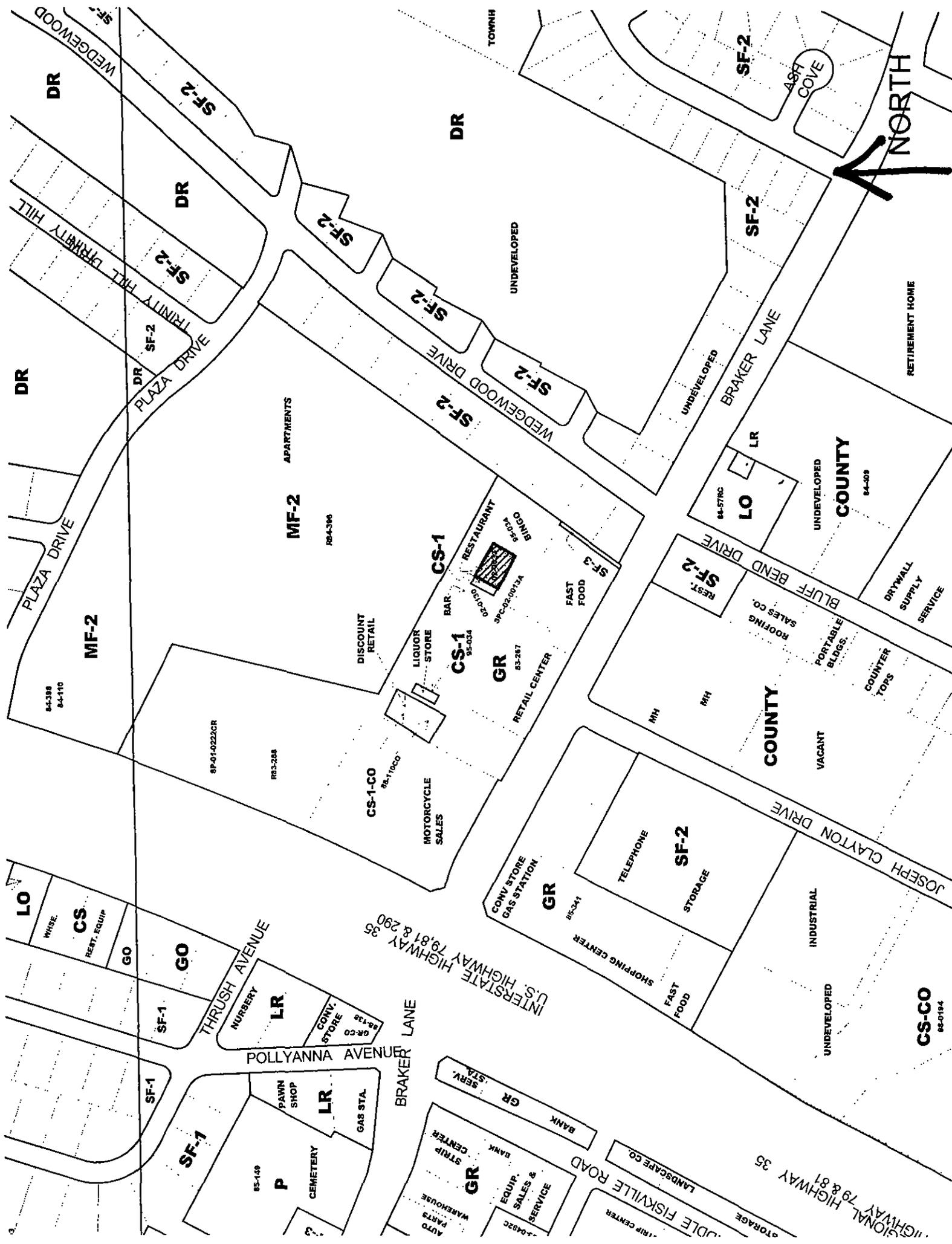
CASE MANAGER: Sherri Gager

PHONE:974-3057

EMAIL: Sherri.Gager@ci.austin.tx.us



<p>1" = 400'</p>	SUBJECT TRACT 	ZONING CASE #: C14-04-0058 ADDRESS: 900 E BRAKER LANE SUBJECT AREA (acres): 0.130	DATE: 04-04 INTLS: SM	CITY GRID REFERENCE NUMBER M31
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: S. GAGER			



WEDGEWOOD DR

TRINITY HILL DRIVE
PLAZA DRIVE

PLAZA DRIVE

DR

TOWNH

SF-2

ASH COVE

NORTH

DR

SF-2

DR

SF-2

SF-2

WEDGEWOOD DRIVE

UNDEVELOPED

SF-2

BRAKER LANE

UNDEVELOPED

RETIREMENT HOME

MF-2 APARTMENTS

84-396

SF-2

SF-2

SF-2

LO

UNDEVELOPED

COUNTY

84-409

SF-2

RESTAURANT

02-0130

BAR

CS-1

95-034

LIQUOR STORE

DISCOUNT RETAIL

CS-1

85-287

GR

RETAIL CENTER

SF-2

FAST FOOD

REST.

SF-2

ROOFING SALES CO.

PORTABLE BLDGS.

COUNTER TOPS

DRYWALL SUPPLY SERVICE

84-398

84-110

MF-2

8P-01-0222CR

88-308

MF-2

CS-1-CO

88-106CO

MOTORCYCLE SALES

CS-1

85-287

GR

RETAIL CENTER

CONV STORE GAS STATION

GR

140-58

TELEPHONE

SF-2

STORAGE

FAST FOOD

SHOPPING CENTER

INDUSTRIAL

UNDEVELOPED

JOSEPH CLAYTON DRIVE

BLUFF BEND DRIVE

VACANT

COUNTY

84-409

LO

CS

REST. EQUIP

GO

GO

SF-1

THRUSH AVENUE

NURBERY

LR

CONV. STORE

88-135

GR-CO

INTERSTATE HIGHWAY 35

U.S. HIGHWAY 79, 81 & 290

BRAKER LANE

GR

SERV. STA.

BANK

STRIP CENTER

BANK

EQUIP. SALES & SERVICE

WAREHOUSE

GR

85-109

P

CEMETERY

LR

GAS STA.

PAVIN SHOP

LANDSCAPE CO.

84-0194

STAFF RECOMMENDATION

Staff recommends denial of the CS-1 rezoning request.

BACKGROUND

C14-02-0130

In August of 2002, an application was submitted requesting a rollback for a portion of a CS-1 zoned tract to GR, Community Commercial District, zoning (Zoning Case Map-Attachment B). As part of zoning case C14-95-034, there was a public Restrictive Covenant accepted by the City Council in which the owner agreed to a zoning roll back to GR for two properties if a Conditional Use Permit for a cocktail lounge was not issued within one year of the rezoning or if a cocktail lounge use ceased for more than 90 days. The down zoning of a portion of the original Tract B from case C14-95-034 to GR was recommended by the Zoning & Platting Commission on September 10, 2002 and was approved by the City Council on October 10, 2002. The remainder of Tract B is part of the Sahara Club site (CUP Case SPC-02-0013A-Attachment A).

C14-02-0033

Rezoning case C14-02-0033 (Zoning Case Map-Attachment C) was a duplicate request of the 1995 case listed below, with the addition of an adjacent store-front to the request for CS-1 zoning. Part of the site was identified as having a zoning violation for an illegal cocktail lounge. It appears that the rezoning case was prompted by a complaint and subsequent red tag by Code Enforcement. Zoning case C14-03-0033 was denied by the Zoning and Platting Commission on April 16, 2002 and by the City Council on May 23, 2002.

C14-95-0054

In 1995 a rezoning application was submitted for a portion of this retail center, as case C14-95-0054 (Zoning Case Map-Attachment D). The smallest portion of subject tract request was recommended by staff, but denied by Planning Commission and City Council. The development (restaurant use/bar use) existed at the time of the 1995 request and is now the vacant Tropical Heat Cafe that is part of the property under consideration in the current zoning case.

C14-95-0034

Also in 1995, one month prior to the above case, a rezoning application for case C14-95-0034 (Zoning Case Map-Attachment E) was submitted for two other store fronts (Tract A and Tract B) within the same retail center as this property. The CS-1 for those two areas was recommended by staff, denied by Planning Commission, and approved by City Council w/conditions. The conditions included a public Restrictive Covenant that mandated a zoning roll back to GR for the two properties if a Conditional Use Permit for a cocktail lounge was not issued within one year of the rezoning or if a cocktail lounge use ceases for more than 90 days. Tract A is now a liquor store and a portion of Tract B is part of a cocktail lounge, the Sahara Club.

In accordance with the public restrictive covenant the applicant agreed not to object to a zoning roll back to GR in 1996, as CUP's were never issued for the properties within the time allotted. While the City is a party to the restrictive covenant, typically city initiated rezoning rollbacks are complaint driven or applicant requested and initiated by the Commission or Council. Over the last seven years no zoning complaints had been filed on the property. The City was not notified of the breach of the agreement stated in the covenant until a zoning case was filed in 2002 requesting additional CS-1 zoning within this retail shopping center (Case C14-02-0033 listed above).

C14-88-0110

This pad of CS-1 zoning has a CO limiting the site to only GR uses, and the sale of beer and wine in unopened containers for off premise consumption and revenue from the sale of non-alcoholic products must comprise at least 51% of sales and at least 51% of shelf space shall be devoted to items other than beer and wine (Zoning Case Map-Attachment F).

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The property does not properly meet the purpose statement of the district sought. Commercial-liquor sales district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with the residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

The site is adjacent to SF-2 and SF-3 zoning. There is an existing apartment complex directly to the north of the site. Commercial-liquor sales zoning is not compatible with these residential environments. In addition, the site does not meet traffic service requirements for CS-1 zoning as parking would be inadequate and a parking variance would be needed.

2. *Rezoning should not contribute to the over zoning of the area.*

The area in question has an adequate amount of CS-1, Commercial-Liquor Sales District, zoning. Currently there are three existing pad sites of CS-1 zoning located within this shopping center.

There is already a reasonable amount of CS-1 zoning in the area providing ratios of CS-1 to non CS-1 zoning similar to other retail strip centers in the City. Recommending more CS-1 zoning would contribute to over zoning the area.

EXISTING CONDITIONS

Site Characteristics

The site is currently a developed suite within a strip retail shopping center.

Impervious Cover

The maximum impervious cover allowed by the CS-1 zoning district would be 95%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 1,680 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Capital Metro bus service is available along Braker Lane (Route #45).

There are existing sidewalks along Braker Lane.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Braker Lane	100'	60'	Arterial

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation or adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by then Austin Water Utility. The plan must be in accordance with the City's utility design criteria and specifications.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

The site is subject to compatibility standards along the eastern property line that abuts the SF-2 zoned property with an existing single-family residence. Any new site development will be subject to the following compatibility regulations:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

- For a structure more than 100 feet but not more than 300 feet from the property line, a structure may attain a height of 40 feet plus one foot for each 10 feet if distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from the property line, a structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
- A fence, berm or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Development of a cocktail lounge, or a General Restaurant with late-hours alcohol sales permit, will require the approval of a Conditional Use Permit.

Case History: 900 E Braker Lane, Unit 170

Legally Known As: LOT 2 RESUB OF LOT 1 BRAKER LANE CENTER SEC 1

InspeTrack Case Number: IT # 04-016500

Date Opened: 01/14/2004 Case Status: OPEN TCAD #: 02472308120000 Plat #:

1/14/2004-Present #729 Paul Tomasovic

Walnut Ridge Shopping Center, c/o Thomas C. Calhoun
315 Lavaca Street, Austin, TX 78701-3936

OCCUPANT: Greene, Judson
1003 Horseman Cove, Round Rock, TX 78664

COA Department

Date: 1/14/2004

Complainant: COA Department

Description: Business not operating according to their CUP.

Manager Contacted: No

Premises

Status: 4/26/2004 - Unoccupied

Findings 4/26/2004 - Zoning violation(s) found

4/27/2004: Recommended Cease all business activity until all required site plan, permits and Certificate of Occupancy are obtained for the within 30 days.

4/27/2004: Recommended A bar/club requires a Conditional Use Permit and CS-1 (Commercial Liquor Sales District) Zoning. And therefore it is not a permitted use for the within 30 days.

4/27/2004: Recommended Contact the City of Austin Development Assistance Center at (512)974-6370 for help in bringing this violation into compliance on the within 30 days.

Red Tag/EBS:

1/15/2004 #729 (Paul Tomasovic)
4

Conducted An Initial Inspection of the Property. Inspector's Comments: "Met with workers at the site, told them to have the owner to call me. They have removed the wall between their approved site and have expanded into a vacant site of the building. The vacant area is zoned GR which would not permit a bar or nightclub. It appears that more of all work at this time is not structural, except the removal of the wall." Follow-Up on 1/29/2004

1/15/2004 4	#729 (Paul Tomasovic)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "6:00pm inspection, could not contact the owner at the time of my inspection, left card for owner to call me." Follow-Up on
1/16/2004 4	#729 (Paul Tomasovic)	Information Update and research results. Inspector's Comments: "Spoke with the owner @ 276-9875, he stated that they are not open for business and are applying for all permits and zoning." Follow-Up on 1/29/2004
2/18/2004 4	#729 (Paul Tomasovic)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Spoke with owner, told owner to stop using the dance floor area of the building because they have no CO or permit for the improvements. Owner stated that he would stop using the additional area." Follow-Up on 3/15/2004
3/5/2004	#729 (Paul Tomasovic)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "9:00pm inspection, business was closed." Follow-Up on 3/6/2004
3/5/2004	#729 (Paul Tomasovic)	Information Update and research results. Inspector's Comments: "Called fire Marshall Don Smith @ 974-0160, he will send a crew (inspector James Hode @ 748-4742) out Saturday night to inspect for violations" Follow-Up on 3/20/2004
3/6/2004	#729 (Paul Tomasovic)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "10:30pm inspection, business was closed." Follow-Up on 3/29/2004
4/26/2004 4	#729 (Paul Tomasovic)	Information Update and research results. Inspector's Comments: "I have been receiving information from members of the neighborhood, and from city staff Sue Walsh that the business is opening at night. I also received a flyer that was advertising a band called Crucial Prophet who was going to be holding a Hip-Hop night at the Sahara Club on April 15, 2004. I pulled up the bands web page and it also show that they will be at the Sahara Club again on 04-29-2004. Prefomed a 5:00pm inspection, left card at front door, no one at the site at the time of my inspection." Follow-Up on 5/10/2004
4/27/2004 4	#729 (Paul Tomasovic)	Sent Notice of Violation to the Owner. Inspector's Comments: "To discontinue the use until site plan exemption, permits, and certificate-of-occupancy are obtained with-in 30 days." Follow-Up on
4/27/2004 4	#729 (Paul Tomasovic)	Sent Notice of Violation to the Owner. Inspector's Comments: "To discontinue use until all site plan exemptions, permits, and CO are obtained." Follow-Up on 5/27/2004
4/28/2004 4	#729 (Paul Tomasovic)	Information Update and research results. Inspector's Comments: "Left voice message for LT. James Hoad @ 974-0160 ex#1with AFD to call me to set up for a fire inspection at this site on 04-29-2004." Follow-Up on 5/10/2004

Valid Conditions in Violation of the 2004 Austin City Code (Land Development Code):

Premises

04/26/2004	CERTIFICATE OF OCCUPANCY	Code Ref: 25-1-361 Inspector received information showing that the bar is opening for business, and has enlarge the bar area with out permits, certificate-of-occupancy, or site plan
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Legal Notice (Zoning) sent on 4/27/2004 to (the owner) Thomas C. Calhoun, certified #7001 0360 0000 3566 3031. Status: Return Receipt Not Yet Received



Crucial Prophet

International Reggae Band

hosts

Hip-Hop Night

Thursday, April 15, 2004

7 p.m. - 2 a.m.

at Sahara Club

900 E. Broker Lane #170, (512) 750-2499

\$5.00 cover, First Drink Free (with this Ad)

First 100 Ladies get in Free

Fish and Bake, plus Freestyle Contest

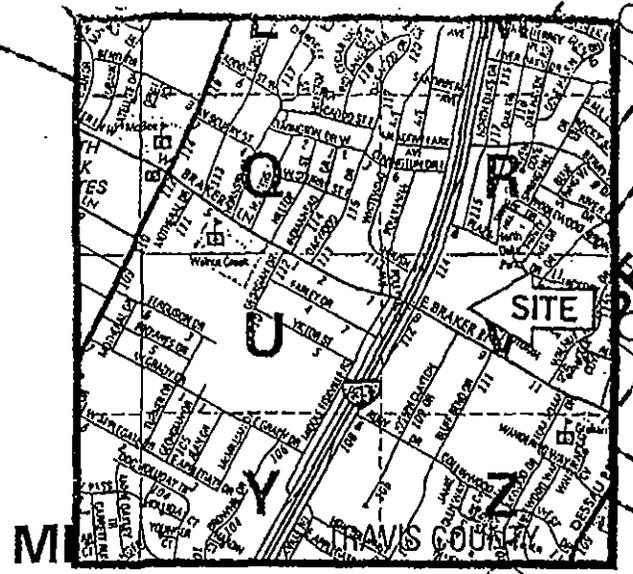
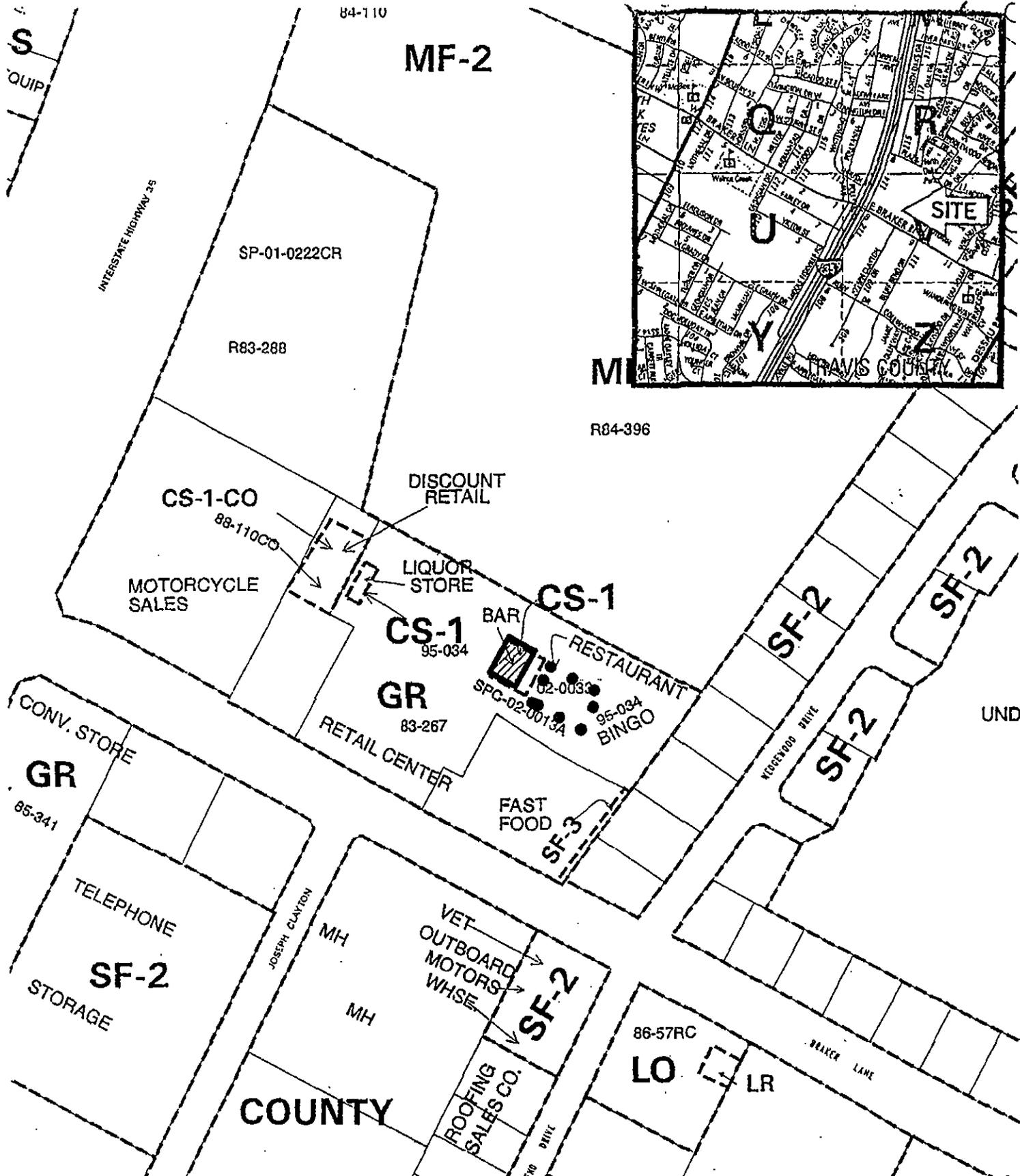
featuring Guest Artists: DWay + Colath

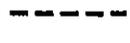
2B-Mic Breaka, Hoppin' Clique, Dynamite

MC Fatal, and OIB.

a *Howard Productions* event

www.geocities.com/CrucialProphet



 1" = 200'	SUBJECT TRACT 	ZONING EXHIBIT B	CITY GRID REFERENCE NUMBER M31	
	PENDING CASE 			
	ZONING BOUNDARY 			CASE #: C14-02-0130
	CASE MGR: S. GAGER			ADDRESS: 900 E BRAKER LANE SUBJECT AREA (acres): 0.069

Attachment C

MF-2

DR

SF-2

SF-2

SP-01-0222CR

R83-288

MF-2 APARTMENTS

R84-396

SF-2

SF-2

SF-2

UNDEVELOPI

DISCOUNT RETAIL

CS-1-CO

88-110CO

MOTORCYCLE SALES

LIQUOR STORE

BAR

CS-1

95-034

CS-1

RESTAURANT

SPC-02-0013A

95-034

GR

83-267

RETAIL CENTER

FAST FOOD

SF-2

SF-2

SF-2

SF-2

ORE

EPHONE

SF-2

MH

MH

COUNTY

VET OUTBOARD MOTORS WHSE

SF-2

ROOFING SALES CO.

PORTABLE BLDGS

BLUNT BEND DRIVE

86-57RC

LO

LR

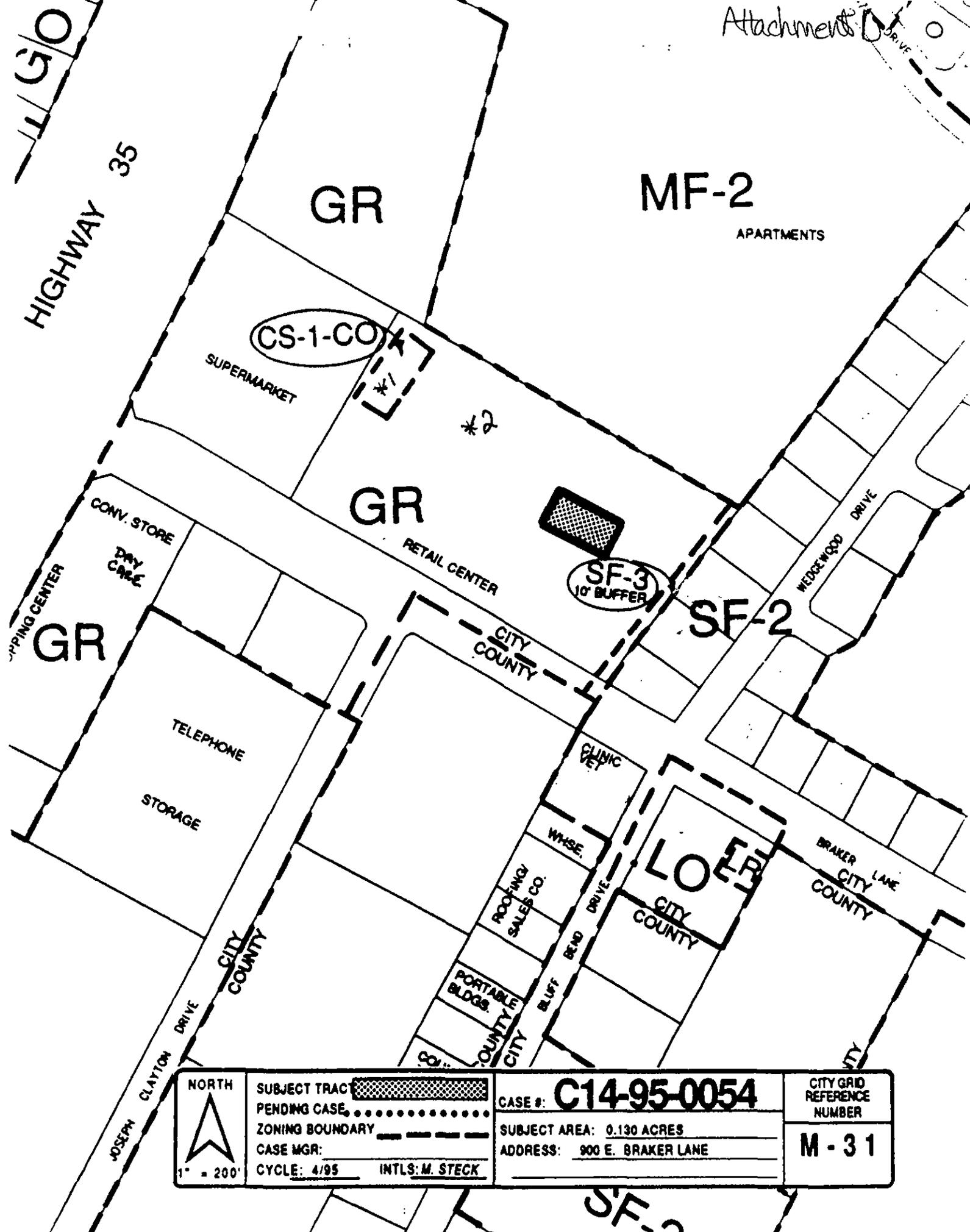
BRAKER LANE

SF

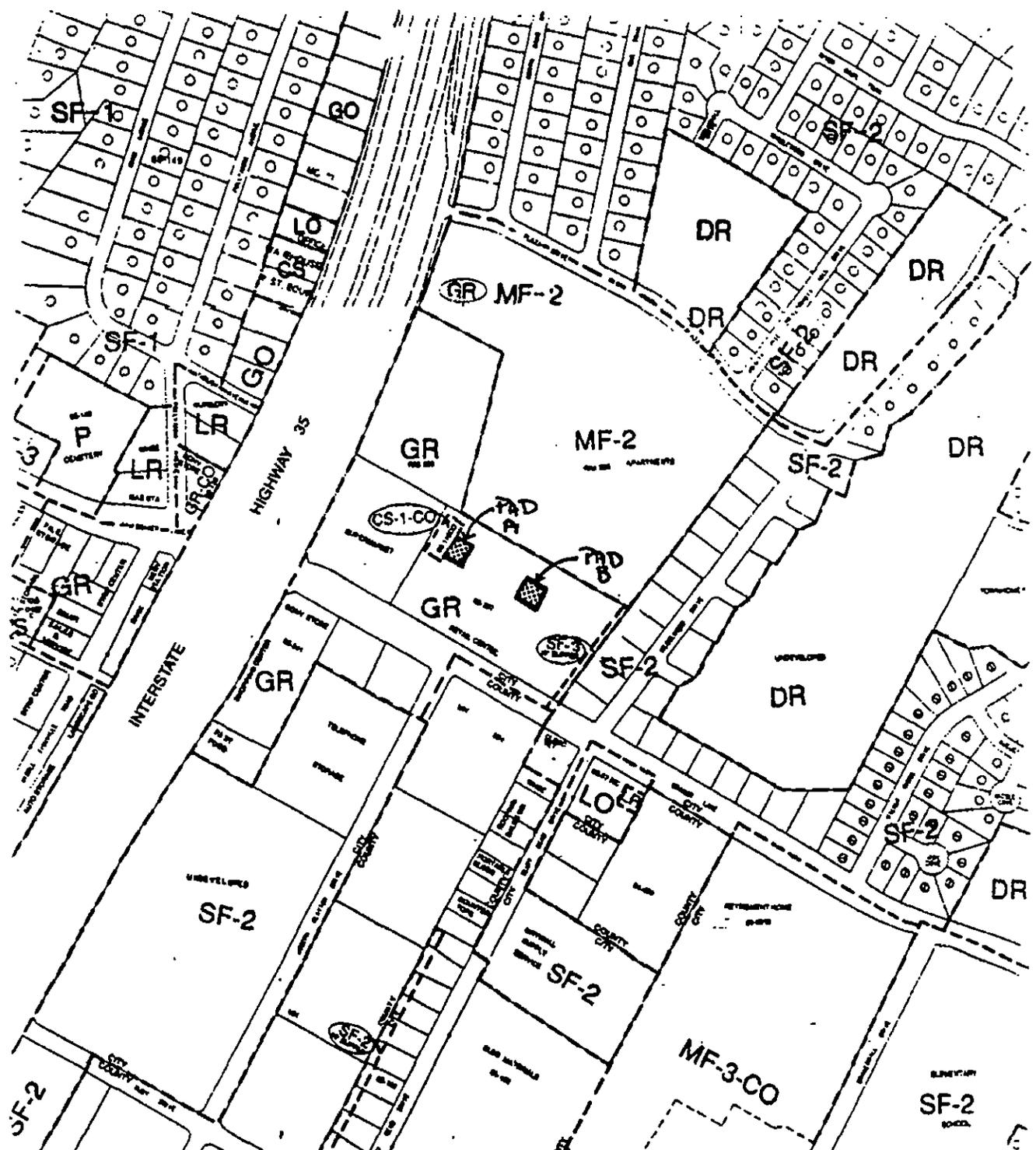
84-409

COUNTY

	SUBJECT TRACT		ZONING CASE #: C14-02-0033 ADDRESS: 900 E BRAKER LANE SUBJECT AREA (acres): 0.407	CITY GRID REFERENCE NUMBER M31
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: A. BEAUDET			
			INTLS: SM	

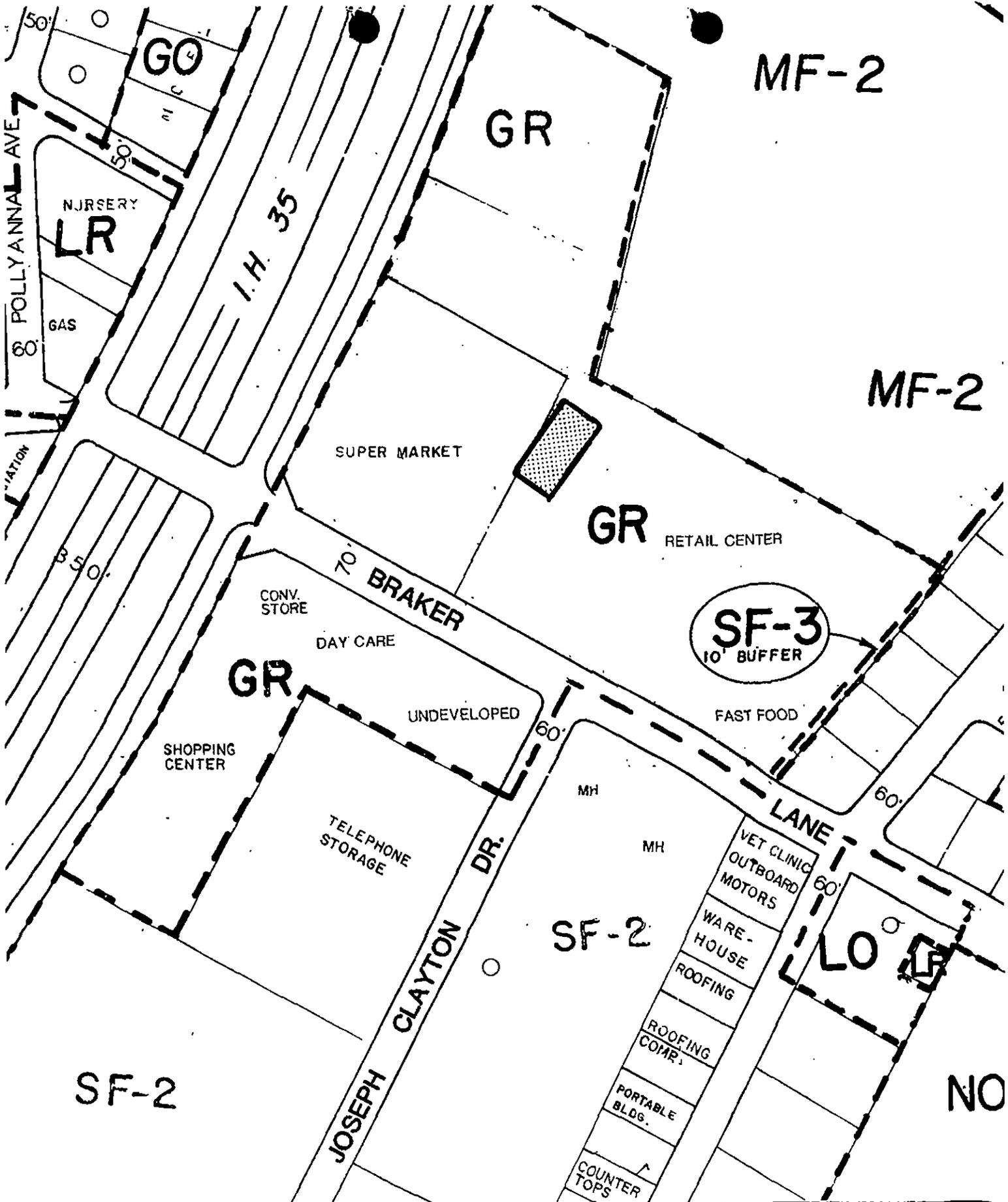


<p>NORTH</p> <p>1" = 200'</p>	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR:</p> <p>CYCLE: 4/95 INTLS: M. STECK</p>	<p>CASE #: C14-95-0054</p> <p>SUBJECT AREA: 0.130 ACRES</p> <p>ADDRESS: 900 E. BRAKER LANE</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>M-31</p>
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SUBJECT TRACT		CASE #: C14-95-0034	CITY GRID REFERENCE NUMBER
PENDING CASE		SUBJECT AREA (acres): 0.158	M31
ZONING BOUNDARY		ADDRESS: 900 E. BRAKER LANE	
CASE MGR:			
CYCLE: 95-03	INTLS: TRC		

1"=400'



	NORTH	PENDING CASE	SUBJECT TRACT	GRID
		ZONING LINE - - - - -	SUBJECT ACREAGE 9.205	M31
		CYCLE <u>9/8</u> INTLS <u>YEMOS</u>	CASE NO: C14-88-0110	

Gager, Sherri

From: Lester and Lois Johnson [ljohnson@ccsi.com]
Sent: Thursday, June 03, 2004 3:02 PM
To: Gager, Sherri
Cc: z Lee
Subject: Hearing on Sahara Club

Thank you for your informing us of the hearing to re-consider by the Zoning & Platting Commission the action taken on June 1 on the Sahara Club located in the 900 block of East Braker Lane.

In the event this action is to be reconsidered, as President of the Northeast Walnut Creek Neighborhood Association, I would request a two week postponement (to June 29th) of the hearing as I will be out of the state until June 19th.

Also, if this does go to the Council, I would like to have it considered after June 19th.

If you need to talk to me you may call me on my cell phone, number 913-2778, or e-mail me at ljohnson@ccsi.com. I will be looking at my e-mail after June 9th.

Thank you for your attention to this matter

Lester Johnson
President
NEWCNA

**Kin Properties, Inc.**

185 N.W. Spanish River Blvd., Suite 100 • Boca Raton, FL 33431-4230
Tel (561) 620-9200 • Fax (561) 955-9921
www.kinproperties.com

June 16, 2004

City of Austin Neighborhood Planning
& Zoning Department
505 Barton Springs Road
P.O. Box 1088
Austin, Texas 78767-8835

RE : Property #: 7043 -- 804 Braker Lane, Austin, Texas
File Number: C14-04-0058 (900 East Braker Lane)

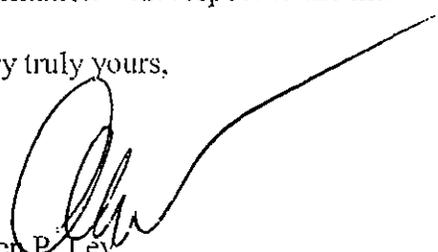
Ladies and Gentlemen:

This office serves as managing agent for Susan Sandelman as Trustee of the Alisan Trust, the owner of the Property commonly known as 804 Braker Lane. In that capacity, we received Notice of Filing of Application for Rezoning of the property located at 900 East Braker Lane from GR-Community Commercial district to CS-1-Commercial Liquor Sales district. We object very strenuously to such an operation. The property is located proximate to a number of apartments and, as the definition of the Code appropriate states, such zoning is generally incompatible with a residential environment. Municipalities must take great care when granting the privilege to sell liquor.

Both our location and the residence of the owner will not attend the planned hearings with respect to the potential modification and zoning, but we did wish to make our objections known. Please share this letter with appropriate authorities.

Please furnish us with any and all documentation with respect to the matter.

Very truly yours,



Allen P. Lev
General Counsel

APL/dms
cc: Jeffrey Sandelman

1003 Horseman Cove
Round Rock, TX 78664
August 10, 2004

Ms. Sherri Gager
Planner III, Neighborhood Planning & Zoning Dept.
505 Barton Springs Road
Austin, TX 78704

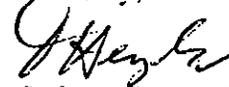
Dear Ms. Gager:

Because of my desire to meet the Walnut Ridge Neighborhood Association on Septemebr 18th, 2004, I am requesting a postponement of my Zoning Case C14-04-0058 which is now scheduled for the City Council meeting of August 26th, 2004.

Please let me know the next available date for my case to be scheduled.

Thanks in advance for your kind understanding.

Sincerely,



Judson Greene, Jr.
OWNER, CLUB SAHARA